

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JEAN D. WEATHERLY, et al.,)	
)	
Plaintiffs,)	8:08CV153
)	
vs.)	ORDER
)	
MICHAEL FOODS, INC., et al.,)	
)	
Defendants.)	

This matter is before the court on the Parties' Joint Stipulation on Proposed Schedule ([Filing No. 58](#)). Upon consideration,

IT IS ORDERED:

1. The Parties' Joint Stipulation on Proposed Schedule ([Filing No. 58](#)) is adopted as follows.
2. **Mandatory Disclosures** described in Fed. R. Civ. P. 26(a)(1) shall be served by **January 15, 2009**.
3. **Adding Parties; Amending Pleadings.** Any motion to amend pleadings and/or add parties shall be filed not later than **February 1, 2009**.
4. **Conditional class certification under FLSA § 216(b).**
 - a. Discovery on collective action conditional certification will be completed by **February 27, 2009**. For purposes of collective action conditional certification discovery only, each party is permitted eighteen (18) interrogatories for each of the Bloomfield plant and the Wakefield plant and four (4) depositions for each of the Bloomfield plant and the Wakefield plant. For purposes of this order, there are three parties, defined as 1) Plaintiffs as a group; 2) Defendants MFI/Waldbaum as a group, and 3) Defendant Advance Services. The parties shall confer no later than February 20, 2009 to determine whether additional time is necessary for this limited discovery and will agree to modify the dates in this schedule as may become necessary.

- b. Plaintiffs will file their motion for collective action conditional certification pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), by **March 27, 2009**.
- c. Defendants will have thirty (30) days from the date Plaintiffs file their motion for collective action conditional certification pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), to file any opposition.
- d. Plaintiffs' will file any reply brief in support of the motion for collective action conditional certification within fourteen (14) days of the last defendant's filing of an opposition.

5. A telephone planning and status conference, for the purpose of reviewing the preparation of the case to date and the scheduling of the case to trial, with the undersigned magistrate judge will be held **within ten (10) days** of an order resolving Plaintiffs' motion for collective action conditional certification. **Plaintiffs' counsel shall schedule and initiate the call.**

DATED this 24th day of December, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge